

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ZHU JUN a/k/a JUN “JANE” LE GALL, :
Plaintiff, : 22-CV-10466 (JMF)
-v- : ORDER
BANK OF AMERICA, N.A. et al., :
Defendants. :
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JESSE M. FURMAN, United States District Judge:

On March 14, 2023, Defendants Bank of America, N.A. and Santander Bank, N.A. (the “Bank Defendants”) filed a motion to dismiss the complaint under Rules 12(b) and 9(b) of the Federal Rules of Civil Procedure. See ECF No. 27. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that Plaintiff shall file any amended complaint by **April 4, 2023**. Pursuant to Paragraph 1.B. of the Court’s Individual Rules and Practices in Civil Cases, available at <https://nysd.uscourts.gov/hon-jesse-m-furman>, any amended complaint should be filed with a redline showing all differences between the original and revised filing. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, the Bank Defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that they rely on their previously filed motion to dismiss. If the Bank Defendants file an answer or a new motion to dismiss, the Court will deny their previously filed motion to dismiss as moot. If the Bank Defendants file a new motion to dismiss, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.

If no amended complaint is filed, Plaintiff shall file any opposition to the motion to dismiss by **April 4, 2023**. The Bank Defendants’ reply, if any, shall be filed **April 11, 2023**.

Finally, it is further ORDERED that the initial pretrial conference previously scheduled for March 22, 2023, is adjourned *sine die*.

SO ORDERED.

Dated: March 15, 2023
New York, New York



JESSE M. FURMAN
United States District Judge